

REMARKS/ARGUMENTS

Claims 1 to 30 are currently pending in the present application. Claims 1-6, 20-22 and 26 have been provisionally rejected under the non-statutory doctrine of obviousness-type double patenting in view of co-pending Appl. Ser. No. 10/938,968. Claim 27 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1 to 5 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Application Publ. No. 2005/0154785 to Reed et al. in view of U.S. Application Publ. No. U.S. Patent No. 2003/0220925 to Lior et al. Claims 6 to 30 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Reed and Lior, in further view of U.S. Patent No. 7,302,480 to Lahtinen.

Applicant requests reconsideration of the instant application. Applicant has canceled claims 1, 7 and 26-30. Applicant has amended claim 20 to depend from claim 6, and amended claim 2 to depend from claim 20. Applicant has also amended claims 6 and 22 to include a tracking data structure that maintains a transaction count of web services, and includes limitations directed to providing transaction counts of detected web services in a user interface, where a user may select a web service and configure one or more traffic classes for it. Applicant has also added claims 31 to 35.

To support the rejections set forth above, the Examiner appears to allege that Reed, as modified by or combined with the teachings of Lior (and in some instances Lahtinen), render the claimed subject matter obvious.

MPEP § 2143, Part G clearly defines the Examiner's initial burden for establishing a prima facie case of obviousness:

To reject a claim based on this rationale, [the Examiner] must articulate the following:

- (1) a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- (2) a finding that there was reasonable expectation of success; and

(3) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

Furthermore, the "prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141, section III. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." MPEP 2143.01, citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007), quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

The claimed subject matter is directed to a system that discovers one or more web services in network traffic, and presents the discovered web services to a user for configuration of traffic classifications for selected web services. Here, the cited references fail to establish a prima facie case of obviousness since they do not, alone or in combination teach, maintaining a tracking list data structure comprising, for each web service detected in the data flows, a web service identifier corresponding to the web service and a transaction count associated with the web service; incrementing, responsive to a message indicating a new web services network transaction, a transaction count associated with the web service identified in the message; and presenting, in a user interface, one or more of the web service identifiers and corresponding transaction counts, wherein the user interface allows for selection of one or more web service identifiers. Rather, Reed teaches a method of mapping OSGi services to web services. Lior teaches a system that stores web services network information extracted from interface definition documents for use in an access policy mechanism. Lior, however, does not teach a system that discovers web services and presents them to users, who then have the option of selecting one or more web services and configuring traffic classifications for them. Rather, it appears that the teachings of Lior pre-suppose that a user has existing knowledge of a web service.

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Amdt. Dated April 28, 2008
Response to Office Action of December 26, 2007

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case. If the Examiner believes that any further action by Applicant is necessary to place this application in condition for allowance, Applicants request a telephone conference with the undersigned at the telephone number set forth below.

Date: April 28, 2008

Respectfully Submitted,
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